

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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Erik Sinclair and David Krall,

Plaintiffs,

v.

Case No. 17-cv- 224

PGA Inc.,

Defendant.

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**NOTICE OF REMOVAL**

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To: Peter Oppeneer, Clerk  
United States District Court  
Western District of Wisconsin  
120 North Henry Street, Room 320  
Madison, WI 53701-0432

Attorney Yingtao Ho  
The Previant Law Firm SC  
310 West Wisconsin Avenue, Suite 100MW  
Milwaukee, WI 53203

PGA Inc., defendant in a lawsuit previously filed by Plaintiffs Erik Sinclair and David Krall in the Marathon County Circuit Court, hereby removes this action to the United States District Court for the Western District of Wisconsin. The basis for removal is federal question jurisdiction under 28 U.S.C. § 1331.

**Background**

1. PGA, Inc. (“PGA”) is a defendant in a lawsuit in which Plaintiffs Erik Sinclair and David Krall allege that PGA violated the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* and Wisconsin prevailing wage law.

2. Plaintiffs filed their complaint in the Marathon County Circuit Court on February 17, 2017, and is entitled *Erik Sinclair, et al. v. PGA Inc.*, Marathon County Case No. 2017-CV-000087.

3. Attached to this Notice of Removal is the Summons and Complaint, Defendant's Answer, and Defendant's Amended Answer, all of which were filed in the Marathon County Circuit Court.

4. Although the Marathon County Circuit Court docket may still list Mr. Gary Guerndt as a defendant in that action, counsel for Plaintiffs have clarified that he was not intended to be named in this action. PGA has asked the clerk to remove Mr. Guerndt as a named defendant.

**Basis of Jurisdiction  
(Federal Question)**

5. In their complaint, Plaintiffs allege that PGA violated the Fair Labor Standards Act, 29 U.S.C. § 201 *et seq.* by failing to pay them and other similarly-situated employees' wages as required by law.

6. Because Plaintiffs' action arises under the laws of the United States, this Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1441.

**Venue**

7. Under 28 U.S.C. § 1441(a), the underlying state court action may be removed to the United States District Court for the Western District of Wisconsin because it is the United States District Court for the district and division embracing the place where the state action is pending (Marathon County Circuit Court).

**Timely Removal**

8. PGA was served with the Summons and Complaint on February 21, 2017.

9. Consequently, thirty days have not yet passed since the state court action became removable to this Court.

**Notice of Filing**

10. In accordance with 28 U.S.C. § 1446(d), counsel for PGA will serve a copy of this Notice of Removal on counsel for the Plaintiffs and will file a copy with the clerk of the Marathon County Circuit Court, Wisconsin, where the state court action is currently pending.

WHEREFORE, PGA gives notice that the above-entitled action now pending in the Marathon County Circuit Court, Wisconsin, is hereby removed to this Court.

Respectfully submitted this 21st day of March, 2017.

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